

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN BRIAN, )  
Plaintiff, ) 8:05CV484  
vs. ) ORDER  
WESTSIDE COMMUNITY SCHOOL )  
DISTRICT, et al., )  
Defendants. )

This matter is before the court on the defendants' Motion to Compel (Filing No. 43). The defendants' motion is deficient for failing to comply with the United States District Court for the District of Nebraska Civil Rules. The motion states the defendants' counsel and the plaintiff's counsel have an agreement in place about when the plaintiff will respond to the yet unanswered discovery. Accordingly, although such responses were delayed, the parties have made successful, rather than unsuccessful, attempts to resolve the discovery disputes, without court involvement.

NECivR 7.1(i) states:

To curtail undue delay in the administration of justice, **this court will not consider any discovery motion unless counsel** for the moving party, as part of the motion, shows in writing that after personal consultation with counsel for opposing parties and sincere attempts to resolve differences, **they are unable to reach an accord.**

See NECivR 7.1(i) (emphasis added). Since the plaintiff agreed to provide the requested discovery, the defendants fail to make the required showing and the motion will be denied. Upon consideration,

**IT IS ORDERED:**

The defendants' Motion to Compel (Filing No. 43) is denied.

DATED this 16th day of May, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge